

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Leroy Branch, #257167,	)	
	)	
Plaintiff,	)	C.A. No. 4:07-2618-HMH-TER
	)	
vs.	)	<b>OPINION &amp; ORDER</b>
	)	
Willie Eagleton, Robin Chavis,	)	
John Jones, Annie Sellers,	)	
James Graham, Ronald Jackson,	)	
Ivan Rivers, John Doe, and SCDC,	)	
	)	
Defendants.	)	

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 of the District of South Carolina.<sup>1</sup> Leroy Branch (“Branch”), a state prisoner proceeding pro se, filed a civil rights action under 42 U.S.C. § 1983 based on incidents that occurred when he was incarcerated at Evans Correctional Institution, a South Carolina Department of Corrections facility located in Bennettsville, South Carolina. In his Report, Magistrate Judge Rogers recommends granting the Defendants’ motion for summary judgment and denying Branch’s motion for a temporary restraining order as moot.

---

<sup>1</sup>The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1) (2006).

Branch filed objections to the Report and Recommendation. Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party's right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that Branch's objections are non-specific, unrelated to the dispositive portions of the Magistrate Judge's Report and Recommendation, or merely restate his claims. Therefore, after a thorough review of the Magistrate Judge's Report and the record in this case, the court adopts Magistrate Judge Rogers's Report and Recommendation.

It is therefore

**ORDERED** that the Defendants' motion for summary judgment, docket number 21, is granted. It is further

**ORDERED** that Branch's motion for a temporary restraining order, docket number 26, is denied as moot.

**IT IS SO ORDERED.**

s/Henry M. Herlong, Jr.  
United States District Judge

Greenville, South Carolina  
April 18, 2008

**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.